DOCUMENT RESUME

ED 476 384 EC 309 590

AUTHOR	Brookshire, Roy; Klotz, Jack
TITLE	Selected Teachers' Perceptions of Special Education Laws.
INSTITUTION	University of Central Arkansas, Conway.
PUB DATE	2002-11-00
NOTE	80p.; Paper presented at the annual conference of the Mid-South Educational Research Association (Chattanooga, TN, November 6-9, 2002).
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	EDRS Price MF01/PC04 Plus Postage.
DESCRIPTORS	*Disabilities; Due Process; Elementary Secondary Education; *Individualized Education Programs; *Knowledge Base for Teaching; Regular and Special Education Relationship; Self Evaluation (Individuals); *Special Education; *Special Education Teachers; Student Placement; Student Rights; Teacher Attitudes; Teacher Competencies
IDENTIFIERS	*Individuals with Disabilities Education Act; Mississippi

ABSTRACT

A study investigated the perceptions and level of knowledge of special education law, policies, and procedures among regular education teachers (n=303) and special education teachers (n=52) in Mississippi. The seven principles of the Individuals with Disabilities Education Act (IDEA) that ensure the delivery of educational services for students with disabilities were specifically addressed (parent participation, least restrictive environment (LRE), Individualized Education Program (IEP), procedural safeguards, appropriate evaluation, zero tolerance, and related services). Results of the study indicate that 94.2% of the special educators either agreed or strongly agreed that they had sufficient knowledge of special education law. The data did not support their perception. Conversely, most regular education teachers indicated that they did not have sufficient knowledge of special education law and the data validated that regular education teachers need training in special education law, practices, and procedures. As expected, special education teachers scored higher than regular education teachers on knowledge of special education law. A finding not expected was that special education teachers scored lowest on questions dealing with IEPs. Regular education teachers most often missed the IDEA component questions related to least restrictive environment. Appendices include assessment materials. (Contains 55 references.) (CR)

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Selected Teachers' Perceptions of Special Education Laws

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A paper presented at the annual conference of the Mid-South Educational Research Association at Chattanooga, Tennessee, November 6-9, 2002

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INTRODUCTION

Teacher education programs and teacher performance in the classroom are the two major factors that influence student learning. The process for teacher certification varies significantly between states, thus allowing for a variety of preservice teacher experiences. Teachers enter the public school system following completion of an approved university program, by acquiring an emergency certificate, directly from the business sector, and through federal government certification. With such a wide variation in teacher preparation methods, it is reasonable to speculate that teachers enter classrooms with a research-based variation in knowledge of subject area, classroom management skills, curriculum understanding, and an understanding of student learning styles. Similar, in fact, is their understanding of special education policies, procedures, and laws. Both the regular education teacher and the special education teacher must possess an indepth understanding of the continually changing federal and state mandates for administrating these complex programs. School administrators make decisions each day directly related to these policies, procedures, and laws which create liability for their school districts, impact the classrooms of their teachers, and influence the learning environments of their students. However, many administrators, experienced teachers, student teachers, and substitute teachers have misunderstandings, misperceptions, and misinterpretations of the legal requirements of their decisions relating to special education policies, procedures, and laws (McCarthy & Cambron-McCabe, 1998).

The debate over special education laws and the continuous changes and updates by federal and state agencies have adversely impacted the knowledge and understanding

of these laws by both the regular education teacher and the special education teacher. Formal teacher training programs at universities do not provide an indepth study of special education policies, procedures, and laws. National surveys have been conducted to determine the methods used to deliver special education content (Reiff, 1991). In this study, they attempted to ascertain the status of special education requirements for initial general education certification. In surveying the certification offices in each department of education in all 50 states and the District of Columbia, they reported that 30 states required a single special education course; 6 states required a special education competency requirement, but the states did not require special education coursework; and 14 states did not require any training in special education (Reiff, 1991).

The literature indicated that a lack of special education courses in the curriculum of regular education teachers seriously degrades their understanding of special education policies, procedures, and laws. This lack of emphasis further degrades their appreciation for special education's needs and tends to build a gap between regular education teachers and special education teachers, Possible explanations for this inadequate preparation are a lack of special education content, a lack of field experiences for preservice teachers, and the degree to which regular education teachers perceive their duties in a classroom setting (Vaughan, Gordon, & Rothlein, 1994). The results of a study by Hooser (2000) indicate that most teachers believed that special education concepts should be delivered in a special education course to preservice teachers. An additional course in discipline-specific methods would also be beneficial. The study further stated that instructional methods, curricular adaptations and modifications, characteristics of students with

disabilities, and assessment should be the focus of content delivered to preservice general education teachers.

Due to their continual application of special education policies, regulations, and procedures, it is critical that both regular education teachers and special education teachers have a fundamental understanding and working knowledge of the laws pertaining to special education. An understanding of the following federal legislation would enable a teacher to work in the day-to-day school environment of special education.

Elementary and Secondary Education Act of 1965. This act is known as P.L. 89-10. This act began the categorical aid from the federal government for economically disadvantages and handicapped children. With this aid came governmental regulation. Most of the aid associated with this act has tapered off but required problem monitoring and reporting remains.

Section 504 of the Rehabilitation Act. The Rehabilitation Act of 1973, Public Law 93-112, was the first federal civil rights law to protect the rights of persons with disabilities. This act defined the civil rights of disabled citizens and precluded discrimination from any programs or activity that received federal financial assistance. This act established procedural responsibilities and extended the application of Section 504 coverage to preschools, elementary schools, secondary schools, postsecondary schools, and vocational and technical schools.

Family Educational Rights and Privacy Act. This act is known as P.L. 93-380. This act defined the rights of parents and students concerning personnel files and forbade

the maintenance of hidden or restricted files for a student. Parents are entitled to view their child's file and may receive a copy for a reasonable cost. The act established three types of files for a special education student: student file containing promotions, immunizations, and discipline; special education audit files containing IEPs; and special education teacher files containing student information.

Individuals with Disabilities Education Act (IDEA). This act was originally titled Education for All the Handicapped Act of 1975. IDEA is a comprehensive law articulating federal policy concerning children with disabilities. This act contains seven major sections related to the rights of special education students. Mandated by this act is a free, appropriate public education for all children, zero rejection, parental participation, nondiscriminatory evaluation, least restrictive environment, individual education plans, and due process procedures. One of the most important contributions of IDEA to special education was funding. In the IDEA Amendments of 1990, Congress established federal funding for the previous policies, procedures, and guidelines. These amendments made possible and attainable the programs designed to protect the disabled and handicapped.

Education Consolidation Improvement Act of 1980. This act eliminated categorical funding at the federal level and sent block grants to each state. This act is remembered as the start of reduced federal funding for the disabled and disadvantaged.

Title 34 of Individuals with Disabilities Education Act of 1980. This act basically reauthorized Section 504 and prohibits discrimination against the handicapped. A significant section established architectural (access) standards to public buildings for the handicapped.

Americans with Disabilities Act of 1990 (ADA). The Americans with Disabilities Act was patterned after Section 504 of the Vocational Rehabilitation Act of 1973. This act gives civil rights protection to individuals with disabilities in the public sector, public services, public accommodations, and transportation. This act has been heralded both as the most sweeping civil rights legislation since the Civil Rights Act of 1964 and as the most comprehensive legislation for individuals with disabilities.

Teachers are confronted with a multitude of issues and situations requiring proper documentation and action. A fundamental understanding and application of state and federal law are essential. Due to the vast amount of lawsuits and litigation in the United States today, teacher actions concerning special education students must be accurate and compliant. Both regular education and special education teachers' perception and knowledge of special education policies, procedures, and laws requires assessment, monitoring, and enhancement. This enhancement can be accomplished during preservice teacher education programs and professional development training at the school district level. Teachers must be provided regulatory updates to ensure their competency and avoid expensive litigation for the school district. According to the literature, the lack of such knowledge and training and the understanding to properly implement them at the school level can cost the school district time, money, and the respect of parents and the community.

Purpose of the Study

Investigation of the perceptions and level of knowledge of special education law, policies, and procedures among regular education teachers and special education teachers

in a selected southern state was the main purpose of this study. The following seven principles of the IDEA that ensure the delivery of educational services for students with disabilities was specifically addressed: (a) parent participation; (b) least restrictive environment (LRE); (c) individualized education program (IEP); (d) procedural safeguards; (e) appropriate evaluation; (f) zero tolerance; and (g) related services.

Statement of the Problem

It is clear that both regular education teachers and special education teachers will encounter students with special education rulings and disabilities. These teachers must be prepared to manage the administrative workload associated with these special education students. They must be competent in their handling of the varied regulator requirement, adept in supporting and advising of parents, and efficient in maintaining the written reports dictated under law. Of concern are the training and perceived knowledge of regular education teachers and special education teachers and their demonstrated abilities within the special education school setting.

Preservice teachers have longstanding beliefs about learning, teaching, and differential learning abilities that may not be consistent with the professional understandings and beliefs that they are expected to acquire (Bennett, 1997). Administrators expect special education teachers to possess the knowledge to follow special education policies, procedures, and laws. In serious question and jeopardy is the regular education teacher. Regular education teachers receive "on-the-job" training and are therefore susceptible to the prejudices, errors, and misinformation of their principals and peers. The perceptions of regular education teachers may result in the violation of a

student's rights even though the intent was to serve the needs of the student. Because of these perceptions and preservice beliefs, it is important that an assessment is performed to identify the training and staff development needs of a school's faculty (Bennett, 1997).

Administrators of the present educational system find their time divided among compliance with legislative mandates, daily maintenance of public schools, societal expectations, and pressures concerning education. The implications for noncompliance issues, amendments to IDEA, and numerous and varied state and county interpretations of special education law have compounded the element of confusion and legal intervention. Regular education teachers and special education teachers face these same challenges. Both must manage the basic expectation of student learning while maintaining their proficiency with special education policies, procedures, and laws. Oversight through peer groups, school administration, and district coordinators helps to ensure accuracy and compliance (Hines, 2001).

The problem of this study is stated in the following question: What is the difference in regular education teachers' and special education teachers' knowledge of special education policies and procedures and are these differences related to appropriate evaluations, related services, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual educational plans?

Hypotheses

For the purpose of this study, the following hypotheses were proposed:

H1: There is a significant difference in the knowledge of special education policies and procedures (related services, appropriate evaluations, least restrictive

learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans) between special education teachers and regular education teachers.

H2: There is a significant difference in the areas of related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans for special education teachers.

H3: There is a significant difference in the areas of related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans for regular education teachers.

H4: There is a significant difference in knowledge of special education policies and procedures (related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans) between teachers with 5 years and less of teaching experience and teachers with more than 5 years of teaching experience.

H5: There is a significant difference in the areas of related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans among teachers at the different school types.

H6: There is a significant difference in the knowledge of special education policies and procedures (related services, appropriate evaluations, least restrictive

learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans) of teachers who are parents of special education students and teachers who are not parents of special education students.

H7: There is a significant relationship between teacher perceptions of their level of knowledge of special education policies and procedures and their actual level of knowledge in related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans.

REVIEW OF THE LITERATURE

The purpose of this chapter is to review the current literature and present the challenges faced by administrators, regular education teachers, and special education teachers in public schools and to provide the legislative actions which govern special education for handicapped and disabled students. Today's teachers are stretched to their limit when confronted with classroom management, multiple student learning styles, varied curriculum and frameworks, extracurricular duties, records management, and developing teaching strategies. These day-to-day responsibilities are compounded with the inclusion of special education students. Both regular education teachers and special education teachers are faced with the pressures of special education law and the dilemma of complying with the policies, procedures, and regulations of these laws. Teachers must work within all guidelines of these complex federal laws and state statutes. Dissatisfaction persists among teachers today (Henderson & Henderson, 1996). Teacher perceptions of special education, their ability to follow established school district and state statutes, and their knowledge of special education law are the key factors in job satisfaction, teacher resignations, and teacher morale. Teachers' perceptions of students and student learning can also affect their morale (Stenlund, 1995).

A healthy school environment and high teacher morale tend to be related. The relationship of these factors helps develop a teacher's perceptions of the school and his or her job relating to the classroom. A principal's ability to create and maintain a positive school climate and culture can affect the morale of the faculty. The principal's role is vital in a teacher's knowledge and understanding of special education law. Principals who

control the contingencies of the work environment, reinforce teaching behavior, and provide guidance and training are keys to improving the morale and self-esteem of teachers. Teachers are somewhat isolated from other adults; therefore, they have little opportunity to share their successes with their colleagues. Teacher morale can have a positive effect on pupil attitudes and learning. Thus, raising teacher morale not only increases teacher job satisfaction, learning for students is also enhanced. Principals must take the initiative to accomplish this fact (Miller, 1981). Perception is reality. Whether a teacher is in special education or in regular education, his or her ability to perform the duties associated with special education students and follow special education laws is important. A teacher's confidence, regardless of whether it is based on perception or on fact, must be at a level that permits the teacher to feel good and productive in his or her job.

Administrators must treat teachers in ways that empower them. The individual teacher of special education students is directly responsible for working within the guidelines of special education law. Laws do not change, but the application can differ based on the individual disability ruling or the need of each special education student. A research study (Ricciato, 2000) found that the professional development needs of the regular and special education teachers were not significantly differently related to teaching within special education classrooms. The study further affirmed that the perceived need of teachers is congruent with many of the "best practices" identified in literature. Teachers know what training they need. It is vital that administrators recognize

their responsibility to better understand special education as they perform the role of educational leader.

The preservice training of school administrators is undergoing major restructuring. Both federal and state interest and oversight has increased during the past decade. Schools need leaders. Teachers need leadership. Leadership is a slippery concept (Thompson, 1988). Typically, leadership is thought to reside in leaders with special traits, charisma, or dynamic presence. Leadership is much more complex than this. Leadership by school administrators will shape a school's culture. Conversely, the culture of a school will shape the principal. The vital point of emphasis is that the principal shapes the perception of the teachers and enhances the knowledge of the teacher, specifically in areas such as special education.

As late as 1989, it was reported that administrator education programs at the university level were ineffective in preparing principals for supervision of special education programs. Universities' efforts were considered minimal and fragmentary (Arick & Krug, 1993). Nationwide, the role of administrators and their ability to build trust and cooperation between special education and regular education teachers without additional training had to be questioned. Four specific areas were identified as requiring additional emphasis. The four areas of (a) personnel needs, (b) quality of preparation, (c) training needs, and (d) mainstreaming students with disabilities all point to reduced performance for teachers (Arick & Krug, 1993). It is easy to connect special education teachers' and regular education teachers' lack of knowledge to the same shortcomings of the instructional leader. Results of the study found that 64% of special education directors

had certification in teaching special education. Additionally, 58% had certification in administration of special education, and 65% had more than 2 years of experience teaching special education. However, over 33% did not have certification in special education nor did they have appreciable experience teaching in special education. The findings of this study support the position that teachers feel administrative support for special education needs improvement and administrators do not have the training or experience in special education law to effectively train the teachers (Arick & Krug, 1993).

The administration of special education programs and the delivery of educational services to students with disabilities has been significantly altered since the passage of Public Law 94-142 in 1975. Administrators are expected to translate the law for both special education teachers and the regular education teachers who have inclusion students assigned in their classrooms. Principals must also plan for compliance (Valesky & Hirth, 1992). Many teachers on the faculty of a public school have perceptions as to special education law. Teacher perception does not translate to compliance; instead, knowledge indicates compliance with the law. Administrators who lack training and experience with special education law are unable to guide, assist, and train their teachers. In many cases, this lack of knowledge and experience translates into wrong perceptions resulting in teacher frustration and increased work. Therefore, a knowledge of special education law has become essential to ensure appropriate services for special education students and to reduce a school district's liability for potential litigation (Valesky & Hirth, 1992).

Principals are unsure or unaware of the guidelines for student placement in special education and the exit procedures to use in special education programs. Hirth and Valesky (1992) conducted a study of principals' knowledge of special education law. They found that principals know more about procedural safeguards than the provision of educational services, but there are gaps in principals' knowledge of special education law. The study concluded that principals' knowledge of special education law is not sufficient to ensure that mistakes will not occur. The administration of schools in America has become a complex business. Special education constitutes only a fraction of a school district's function and responsibilities. Shortcomings in the education programs repeatedly emphasize that additional training in special education law mandates compliance, not just an appropriate level of effort. Administrators have a challenging role to train and assist both special education and regular education teachers with the compliance with special education laws (Maher, 1991). Less than 40% of the states mandate knowledge of special education law to receive an administrator's endorsement. Very few states require administrators to complete a course devoted solely to the study of special education law and a few additional states require a general school law course with a special education component. In two states for an instructional supervisor's endorsement, the university is responsible simply for certifying student knowledge of special education law (Valesky & Hirth, 1992).

Preparation of school leaders is critical. Teacher performance, morale, and retention are enhanced or degraded based on the quality of support received from the instructional leader. A consortium of directors at the University of Miami identified four

obstacles affecting the mainstreaming of special education students. They are (a) attitudes of regular teachers toward handicapped students, (b) attitudes of administrators, (c) lack of resources, and (d) insufficient specialized staff (Cline, 1981). Two of these four obstacles can be corrected through training. This training should be inservice professional development. A failure to correct (a) and (b) impacts the culture of the school and the degree of efficiency attained within the special education program. It is evident that administrators must command a knowledge of special education law. This is required to ensure appropriate educational services to all students and to minimize losing potential lawsuits resulting from inappropriate implementation of special education legal requirements (Valesky & Hirth, 1992).

According to Smith and Colon (1998), administrators are crucial to the success or failure of the special education process. The most complex and difficult task for administrators today is understanding and implementing special education. The most frequent comment received is that they do not understand special education, they have no desire to understand special education, and they delegate the responsibilities whenever possible. Teacher knowledge thus suffers because of these three attitudes of administrators. When principals do not take an active role in the management and compliance of special education, the workload, stress, and misperceptions as to law compliance become a problem. Teachers must have supervision from principals. They must receive legal updates, policy updates, professional development, staff development, and guidance from the principal (Smith & Colon, 1998).

Much of the teacher's fear, frustration, and avoidance are the result of misconceptions and misinformation about special education. Five misconceptions have been identified by Smith and Colon (1998).

Misconception 1: Special education students do not really need these services. Nothing could be further from the truth. Only in the last 25 years have children with disabilities begun to experience the same educational opportunities as other children. Only after the passage of the Special Education Law, P.L. 914 142, in 1995 did public education become accessible to these children. Initiatives such as inclusion, mainstreaming, least restrictive environment (LRE), and regular education initiatives (REI) have opened the doors to schools and classrooms to students with disabilities. According to congressional findings (Senate Report No. 94-168, 1975), 1,750,000 children with disabilities were not receiving any educational services because they were totally excluded from public schools. Another 2,200,000 were not receiving appropriate schooling either because their disabilities were undetected or because the schools lacked adequate services.

Misconception 2: Federal special education laws are too complicated and contradict one another. Federal law is not as complicated as uninformed individuals want to believe. The law must be understood as it is written. The law cannot be interpreted because this could lead to poor decisions that commit district resources to inappropriate and often legally liable situations. Basically, there are three federal laws with which administrators must be familiar—the Individuals with Disabilities Education Act, Section

504 of the Vocational Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

Misconception 3: The process is so complicated that I will appoint a designee and let that person worry about it; that way, I can avoid the situation. This is one of the most dangerous misconceptions. An administrator must remember that the designee commits school and district resources to parents and students as the school's representative. This designee, oftentimes a teacher, must be knowledgeable to special education law or situations may develop that lead to court battles and other forms of disagreement. Ignorance of the law and this principal process will not stand the test in court litigation. Both administrator and teacher understanding and involvement will enhance the learning potential of a student with disabilities and will result in fewer disagreements and grievance situations. There is no substitute for knowledge and understanding of special education law.

Misconception 4: Students with disabilities are exempt from suspension and expulsion procedures. There are different rules for dealing with students with disabilities. They exist as a result of unfair exclusion of students from school on the basis of their disabilities rather than their actions. Although students with disabilities are treated differently with regard to suspensions and expulsion, they are not totally exempt from disciplinary procedures. Two important issues are: (a) a long-term suspension is a change in placement which triggers notice and due process requirements of the IDEA, and (b) local educational authorities must determine if a causal relationship exists between the student's behavior and the disability prior to long-term suspension or expulsion. All

students, disabled and nondisabled, are entitled to certain rights before they can be excluded from public school for any period of time. Due process entitles the student to present his or her side of the story prior to any discipline decisions. By law, exclusion from school for more than 10 days is considered a change in placement. Therefore, the student must be given an opportunity to secure counsel, confront and cross-examine witnesses, and go through a more formal hearing. Under the 1997 IDEA Amendments, dangerous students may be removed immediately upon review by a hearing officer that a risk to the student or other persons exists. If a child carries a weapon to school or possesses or sells drugs, the school can suspend the child for not more than 10 days or change to an alternative placement for not more than 45 days. The change in placement for a student with disabilities cannot be made without convening a meeting to review the IEP and, if necessary, modifying it to address the behavior. The IEP team and other qualified school officials must consider whether the IEP and placement were appropriate; the disability hindered the child's understanding of the impact of consequences of the behavior in question; or the disability impaired the child's ability to control the behavior. Failure to follow these specific guidelines can, and often does, result in costly litigation by the district. A key distinction of the law concerning students with disabilities is that they may be disciplined under a school's general conduct code if the behavior was not a manifestation of the disability. The key point is that regardless of the reason for the disciplinary action and the final placement of the student, a special education student will be serviced by the school district. This is a directed requirement under FAPA (free and appropriate education) even if the student has been suspended or expelled.

Misconception 5: Inclusion is a new and radical change in the law. The previous four misconceptions dealt with what is in special education law. This misconception deals with what is not in the law. Both administrators and teachers make the mistake of misinterpretation. This action is the key factor in poor decisions and failure to properly service students. The words mainstreaming, inclusion, and full inclusion do not appear anywhere in the law. What does appear is least restrictive environment. Mainstreaming also is not a legal term. The focus is on special education as a location children go to receive services. The implication is that students primarily belong in separate programs and must earn the right to be in general education. Under this terminology, students only join regular education classes for part of the day. Inclusion is also not a legal term. By definition, it is the opposite of exclusion. Inclusion implies that students are only removed from general education settings if they cannot succeed even though they receive services and support in the classroom. A key point is that special education is viewed as a service and can be delivered in any setting. Full inclusion pertains to the service delivery for all children. A student will participate fully in the general education environment, no matter how much time is actually spent there or the amount of services and support are required (Smith & Colon, 1998).

When is regular education not appropriate? The regular education classroom is not necessarily the least restrictive environment. If the presence of a student with a disability compromises the quality of education in the classroom, the placement is inappropriate. When selecting the least restrictive environment for a student, the individual education planning team considers any negative effects the placement may

have on the student and others and the quality of services the student and others need. Factors to consider when determining the least restrictive environment include: (a) educational benefit both academic and nonacademic, (b) disruption, and (c) curriculum modification required (Smith & Colon, 1998).

Continuing the discussion of the need for trained administrators and teachers is the research by Watt (1993). She states that teachers and school administrators continue to be challenged with providing appropriate educational and related services to students with disabilities as well as fulfilling the requirements of the law. Both administrators and teachers are held accountable for the proper implementation of special education law in their building. The principal's role is becoming even more important due to the drive to improve services to students with disabilities by their inclusion in regular educational settings. This research found that a serious dilemma is evident. Principals are not knowledgeable enough in the area of special education and special education law to avert possible legal problems resulting from an inappropriate education for a student with disabilities. This dilemma exists in part because special education laws are becoming increasingly complex and case law is expanding. One recommendation of the study was the need for grant money and the establishment of training. Both the special education department personnel and the school administration must be partners in the development of training. The intent is to model what is expected of school districts. Principals have been trained in the field of school administration, not special education, so the training must blend the two disciplines and use terminology and case situations that both

administrators and teachers will encounter. It is essential that a collaborative arrangement between the two departments exists (Watt, 1993).

Individual Education Plans (IEP) are the foundation for the education of a special education student. Not only are IEPs mandated in law, very precise components are required and must be followed without exception. The IEP document outlines and instructional goals, objectives, evacuation criteria, specially designed instruction, and the related services that will be provided to a student with disabilities. The education premise is that through this specially designed education tool the student will succeed. The educational plans and schedule are developed at an IEP conference that includes the parent, regular education teacher, special education teacher, and local education agency (LEA) representative. IEPs should be written in sufficient detail to allow a person who is totally unfamiliar with the student to determine what is required simply by reading the document (Bugaj, 2000).

IEP and scheduling mismatches can happen if school personnel are not aware that a student has a special education ruling. IEPs must be delivered to the student in their entirety. That is, there can be no variations in services received by the student and those specified in the IEP. For this reason, it is obvious that guidance counselors must also receive training in special education laws. Scheduling mismatches can occur if school personnel fail to read an IEP or develop an IEP after a student has already been scheduled. When a special education student transfers to a new district, parents do not always inform the school that their child requires special education services. If the records are slow to arrive from the previous school, appropriate services may be delayed

or overlooked. To help prevent such oversights, each special education teacher should compare completed schedules to IEPs during the first week of the new school year. Also, counselors should ask the parent or student upon enrollment what courses they were taking at their previous schools. Should discrepancies in a schedule be found, the special education teacher and guidance counselor can ensure schedules are changed to meet the requirements of the IEP (Bugaj, 2000).

Teachers in special education settings face challenges unique to public schools. Special education law carries its unique mandates and requirement for compliance, but the special education student is also unique to the student population. The problems of stress, burnout, and resulting job change among all teachers have become areas of concern. Teacher burnout and high levels of stress are leading reasons for teachers leaving education. For special education teachers, these factors are compounded by a lack of trained administrator support and their individual lack of knowledge of special education law. Common factors associated with stress and lack of job satisfaction are low wages, lack of confidence in public education, and inadequate discipline of dangerous students. Some factors that are directly related to the special educator's responsibilities and contribute to their frustration are unrealistic expectations regarding pupil progress and perceived lack of success as a teacher. Additional factors are ongoing contact with difficult students, isolation, and a perceived lack of belonging. For special education teachers, there are four areas of concern. The reasons are excessive paperwork, slow student progress, isolation, and lack of administrative support. Ten suggestions were presented to help administrators support special education teachers.

1. Ensure that special education classes are included with regular education classes. Pair classes for field trips, fundraising efforts, and cooperative learning experiences.

2. Give special education teachers equal consideration when determining positions of responsibility within the school. Special education teachers should be considered for grade chairpersons, peer coaches, and grade sponsors.

3. Do not forget the special education teachers when distributing supplies.

4. Consider rotating special education teachers into a regular education position periodically. This will help the teacher maintain an accurate perspective of regular education and allow them to work with normally progressing students.

5. Place special education classes in the main school building. Avoid using portable or satellite buildings.

6. Provide opportunities for special education teachers to meet with other teachers who are responsible for the same population.

7. Encourage participation in professional organizations directly related to the teachers' specific assignments.

8. Be visible in the special education classrooms. The principal must understand the procedures for placement and service under special education procedures.

9. Use the expertise of the special education staff. Special education teachers are excellent resources for helping regular education teachers develop behavior management procedures.

10. Streamline the paperwork as much as possible. Provide special education teachers with assistants, clerks, and other administrative support to handle the administrative work of the program.

Special education teachers have unique challenges within the public school setting. Knowledgeable and understanding principals can help reduce the stress and workload of special education teachers. They must be supported with training opportunities outside the school setting and be fully integrated into the regular school culture (Sires & Tonnesen, 1993).

There is a philosophical problem with special education. The problem is the competition for resources between regular education and special education. Regular education is funded by a zero sum economic premise and a whole group focus. Basically, the legislature appropriates a lump sum of revenues and then directs the state to operate the public school program. Special education is based on the economic premise that a student with a disability deserves a free and appropriate education. This program is governed by a team of people to include parents and advocates. Unlike the structure of regular education, this team of people is not bound by a set amount of money. The perspective of special education is that a service must be provided regardless of the cost or the capability of the school district to the funding required (Joyce, 2001).

Given these two perspectives, it can be seen that there exist tension, competition, and confusion. Educators must work to reconcile the differences in student discipline, assessment expectations, grade placement criteria, school authority, and graduation standards. For each of these categories, the rules and laws are clearly different and

competitive. Special education is focused on the individual student goals and achievement while regular education is focused on group instruction. Special education supports parental empowerment, emphasizing significant parental involvement in program development and evaluation. Regular education supports community empowerment with political decision making and taxpayer focus. Special education is mandated with legal accountability where costs are secondary to the outcomes and involves detailed judicial review. Regular education is governed by political accountability where costs are as important as the educational outcomes and there is limited judicial review. Special education has federal focus and locus of control while regular education has state and local focus and center of control. There are two approaches that would help build better understanding of these issues. First, teach all children recognizing the need for different curriculum. Instruction must be improved with the single goal of student achievement. Second, streamline conflict resolution. Existing conflict resolution procedures are very slanted in favor of the special education position. A process needs to be created that rewards individuals for solving problems in reasonable, inexpensive, and efficient ways. The key is to build mutual understanding between regular education and special education (Joyce, 2001).

Education has entered into a period of history in which societal norms and standards, which have long been accepted, are being tested and challenged. Litigation continues to gain public favor and is becoming the action of choice of parents and action groups. Few of this nation's teacher training programs prepare teachers to understand the relationship of constitutions, statutes, and judicial decisions as associated with the daily

process of instruction and supervision. Teachers must be helped to understand that no part of education is immune from court action. Teachers must have a strong working knowledge that is beyond a common sense of education law. This knowledge will enable them to provide proper instruction and supervision and to protect the rights and welfare of their students. Secondary to this knowledge is reduced conflict and improved job satisfaction. Obviously, a school district would benefit from knowledgeable educators who reduce the risk of litigation through improved knowledge and understanding of education law. Courts expect teachers to answer strict questions of responsible action when required to explain injurious negligence that occurs to students. The obligation of the school to provide proper instruction, proper supervision, and a safe place can hardly be overemphasized. This is a legal concept with strong and widespread roots in the ethics of society. Parents or guardians are responsible for the care and protection of their children while teachers are responsible for the care and protection and service of their students. A high degree of performance and compliance by educators is demanded by today's society and court system (Dunklee & Shoop, 1986).

Society's expectations weigh heavily on today's educators. A teacher's role encompasses teaching specific content and mentoring students to improve learning. Functioning as a social worker is now seen as an integral part of being a teacher. Teachers deal with a smorgasbord of social problems. Teachers are expected to teach with an inadequate supply of books, large classes, disruptive students, public criticism, limited assistance, increased duties, and the lowest salaries paid to highly educated personnel in this nation. In a study, 40% of respondents stated that they would not again select

teaching as a profession, and 57% were definitely planning to leave education if teaching conditions did not improve. Teacher morale seems to be the answer. Building principals face the tough task of improving working conditions for their teachers with practically no resources. A healthy school environment and high teacher morale tend to be related. The study reported that job satisfaction among American teachers identified more administrative support and leadership, good student behavior, a positive school atmosphere, and teacher autonomy as conditions that would improve teacher satisfaction. Principals must have the ability and training to create the necessary positive school climate and culture to improve teacher morale. Because of the relative isolation from other adults, teachers have little opportunity to share their successes with colleagues and administrators. Teachers' perceptions of students and student learning can be the factor that improves morale. Teachers almost universally treasure student responsiveness and enthusiasm as a vital factor in their own enthusiasm. Conversely, high teacher morale and motivation can have a positive effect on pupil attitudes and learning. Principals can also strengthen teacher morale by actively standing behind teachers. Effective principals serve as guardians of teachers' instructional time, assist in student discipline, allow teachers to develop discipline codes, and support teachers' authority in enforcing policy. By treating teachers in ways that empower them, administrators can help sustain teacher morale (Stenlund, 1995).

The uniqueness of individual student disabilities varies widely among students with special needs, but over half of the identified disabilities are learning disabilities. Other disabilities include speech and language difficulties, mental retardation, and serious

emotional difficulties. Physical disabilities are relatively rare, constituting less than 2% of those identified as having disabilities. With each of these unique disabilities comes the need for knowledge of special education law. The services may vary widely based on the specific needs of the student. However, the basic duty of teaching remains the focus of special education teachers. Regular education teachers rarely understand the unbelievable differences in student abilities, learning needs, and teaching strategies that a special education teacher must perform. Not only must a special education teacher comply with applicable special education law, they must serve, teacher, mentor, and guide the development of children who require very specialized teaching abilities. The number of disabled students participating in regular classrooms has risen by 10% during the last 5 years. Based on these facts, regular education teachers will begin to identify with the tremendous responsibilities of teaching special education students (Roach, Halvorsen, Zeph, Giugno, & Caruso, 1997).

The Constitution is the basic authority for law in the United States legal system. There are four sources of law established in this country: (a) constitutional law, (b) statutory law, (c) regulatory law, and (d) case law. These sources of law exist at both the federal and state levels. The supreme laws are contained in federal and state constitutions and are called constitutional law. These constitutions empower legislatures to create law called statutory law. Legislatures are empowered to delegate lawmaking authority to regulatory agencies to create regulations that implement the law called regulatory law. Courts interpret laws through cases, and these interpretations of law accumulate to form case law (Yell, 1998).

These four sources of law often interact. Laws are oftentimes made by one branch of government in response to developments in another branch of government in response to developments in another branch. This can be clearly seen in the development of special education law. Two court cases, Mills v. Board of Education (1972) and Pennsylvania Association of Retarded Citizens v. Commonwealth of Pennsylvania, created the right to a special education for students with disabilities. Congress, in turn, reacted to this litigation by passing legislation to protect the educational rights of students with disabilities. Regulations were written to implement and enforce these laws. Based on federal law, all 50 states eventually passed state laws and created state regulations pertaining to special education. Because of the litigation that developed as a result of state and federal special education laws, courts resolved lawsuits, thus establishing case law. Because of some court cases, such as Smith v. Robinson (1984), Congress passed new legislation. The Handicapped Children's Protection Act was passed to overturn the effects of Smith v. Robinson (1984) (Yell, 1998).

Elementary and Secondary Education Act of 1965. With this act, the federal government established monetary support for students with disabilities. This act began categorical aid from the federal government for the economically disadvantaged and handicapped children desiring a public education. With federal support, money began reaching individual states to institute programs targeted specifically for students with disabilities. With the federal money came unwanted and burdensome federal regulation. Detailed expenditure and accounting records are required along with strict compliance for

student services. This act strengthened and improved the educational quality and opportunity for students with disabilities.

Education of the Handicapped Act of 1970. Public Law 90-247 was enacted to support the programs associated with special education. Services and institutions that received support were regional resource centers, funding for centers and services for children with deafness and blindness, expanding instructional remedial programs, and continuing research in special education. This act added much needed funding to the programs established by the Elementary and Secondary Education Act of 1965. Special education programs and services were better defined to focus the intent of Congress on the special needs of these programs.

Section 504 of the Rehabilitation Act of 1973. The Rehabilitation Act of 1973, Public Law 193-112, was the first federal civil rights law to protect the rights of persons with disabilities. The law declared that a person cannot be excluded or discriminated against from any program or activity that receives federal financial assistance on the basis of the handicap or label alone. Section 504 applies to preschool, elementary school, secondary school, postsecondary school, vocational and technical school, and any program that receives federal funding. In addition, school districts have a number of responsibilities that address administration of their special education programs: (a) procedural responsibilities, (b) identification and evaluation, (c) educational programming, (d) placement, (e) reevaluation, and (f) procedural safeguards (Yell, 1998). This law further provides legal protections including parent involvement in the individualized education program (IEP) process, prior notice of any change of

identification, and the right to call for a due process hearing, if necessary, to resolve disputes with the school. Student protection from discrimination also includes the school's provisions of related services, participation in extracurricular activities, and accessibility to facilities.

Family Educational Rights and Privacy Act of 1974. Public Law 93-380 gives parents of students under the age of 18, and students older than 18, the right to review their records maintained by a school system. The personal files of a student must be made available to the parents, or the students if they are of age, and will not have hidden files or folders containing confidential information. Included in these rights is a copy of the file at a reasonable cost and the file must be provided within 45 days of the request. This act identified three types of files which could be maintained by a school system: (a) student files which are maintained on all students and contain such information as promotion records, immunizations, and discipline records, (b) special education audit files which include compliance records mandated by special education law, and (c) special education teacher files which include teacher records, daily records, grades, attendance, parental contact information, and other pertinent student information.

Public Law 93-380 was a significant piece of legislation for both children with disabilities and children who are gifted and talented. The law did acknowledge that students with disabilities did have a right to public education, provided funding for their education, and addressed the issue of least restrictive environment. This legislation also provided the first national initiative toward meeting the needs of students who are gifted and talented (Yell, 1998).

Education of All the Handicapped Act of 1975. Public Law 94-142 was passed as an umbrella law that was intended to right many wrongs. Its name was changed to the Individuals with Disabilities Education Act (IDEA) by the 1990 amendment of Public Law 101-476. The IDEA is a comprehensive law articulating federal policy concerning the education of children with disabilities. The goals of the act are:

1. to ensure that all children with disabilities have available to them a free appropriate public education that includes special education and related services to meet their unique needs.

2. to protect the rights of these children and their parents.

3. to help states and localities provide for the education of all children with disabilities.

4. to establish criteria by which to judge the effectiveness of efforts to educate these children.

Features of the IDEA include:

1. Zero reject: School districts must provide free, appropriate public education (FAPE) to all children with disabilities, regardless of the severity of their disability. No child may be excluded.

2. Individualized Education Plan (IEP): Local education agencies (LEAs) must maintain an IEP for each child with a disability. The IEP must contain specific components and be reviewed at least annually.

3. Least Restrictive Environment (LRE): Education must take place in the least restrictive environment. Schools must have procedures and safeguards for

integrating children with disabilities into regular educational environments to the maximum extent appropriate.

4. Nondiscriminatory testing: Testing procedures must be culturally and racially nondiscriminatory.

5. Due process protection for students with regard to identification, evaluation, and placement: LEAs must provide an opportunity for due process procedures so parents and guardians can review evaluation and placement decisions made with respect to their children. Parents who do not believe their child is receiving an appropriate education under the law must be provided the opportunity to resolve such issues through mediation or an impartial due process hearing.

6. Parental participation: Parents must be provided an opportunity to participate in issues pertaining to the child's evaluation, placement, and IEP development.

In the IDEA Amendments of 1990, Congress created substantive and procedural rights for students with disabilities. The substantive rights include the free appropriate public education (FAPE) guarantees to each special education student. The procedural rights ensure that schools follow proper procedures in planning and delivering a FAPE to students with disabilities. The procedural safeguards require the involvement of both parents and school personnel in the special education decision-making process. The procedural safeguards consist of seven components: (a) notice requirements, (b) consent requirements, (c) opportunity to examine records, (d) student protection when parents are not available, (e) independent educational evaluation, (f) voluntary mediation, and (g) due

process hearings. The main component of the procedural safeguards is due process hearings for a student (Yell, 1998).

Education Consolidation Improvement Act of 1980. This act eliminated categorical funding at the federal level and sent block grants to individual states. This act also signaled a lowering of federal support for the disabled and disadvantaged student.

Americans with Disabilities Act of 1990. The Americans with Disabilities Act (ADA) is patterned after Section 504 of the Vocational Rehabilitation Act of 1973. The ADA gives civil rights protection to individuals with disabilities in the private sector, public services, public accommodations, transportation, and telecommunications. This act has been heralded both as the most sweeping civil rights legislation since the Civil Rights Act of 1964 and as the most comprehensive legislation for individuals with disabilities. Among other provisions, employers or supervisors may not discriminate against a qualified person with a disability in hiring, firing, salary, training, promotion, or any other condition of employment (Table 1). ADA expanded the provisions of Section 504 of the Rehabilitation Act of 1973 to include all public services. This included federal and state services such as recreational activities, public libraries, health services, and public transportation.

Today's schools function in a complex legal environment. A wide range of legal issues influences the lives of teachers, students, parents, and administrators. Educators must become aware of requirements mandated by the courts and legislatures. At times, teachers may see rules, regulations, restrictions, and restraints as optional when, in fact, these concepts are the legal obligations upon which they will be held accountable.

Table 1

Case Law and Legislation Concerning Special Education

Date	Case Law and Legislation	Requirements
1973	Section 504 of the Rehabilitation Act of 1973	Prohibits discrimination in agencies receiving federal funds
1974	P.L. 93-380, Education Amendments of 1974	• Free and appropriate education • Procedural safeguards • Least Restrictive Environment (LRE) • Federal funds
1975	P.L. 94-142, Education for All Handicapped Children Act	• Free and appropriate education • Procedural safeguards • LRE • Nondiscriminatory evaluation • Individualized Education Program (IEP)
1986	P.L. 99-372, The Handicapped Children's Protection Act of 1986	• Recovery of attorney's fees and costs to parents who prevail in suits
1986	P.L. 99-457, Education of the Handicapped Amendments of 1986	• Federal incentives
1986	P.L. 101-476, Individuals with Disabilities Education Act (IDEA)	• Changed language of law • Added students with autism • Required transition plan on IEP
1990	P.L. 101-336, Americans with Disabilities Act (ADA)	• Expands civil rights for individuals with disabilities in both the public and private sector

(Table continues)

Table 1 - Continued

Date	Case Law and Legislation	Requirements
1997	P.L. 105-17, Individuals with Disabilities Education Act Amendments of 1997	• Restructured the law • Changes in the IEP team and content of the IEP • States must establish a voluntary mediation system • Added language regarding the discipline of students

Table adapted (Yell) 1998.

Educators' ignorance of the law or lack of understanding can result in personal lawsuits or litigation against the school. In 1975, the United States Supreme Court ruled that teachers and administrators may be held personally liable in money damages for violating students' clearly established constitutional rights. Much of the law affecting school issues today is neither simple nor unchanging. Many cases affecting schools are as difficult to resolve for lawyers and judges as they are for educators because cases involving school law often do not address simple conflicts or right against wrong, but complex issues encompassing the conflicting interests of teachers, parents, administrators, and students (Gullatt & Tollett, 1997).

Disciplining of the handicapped or special education students has been the focus of numerous court cases. One of the most significant court cases to be considered since the Brown v. Board of Education of Topeka (1954) decision was Pennsylvania Association for Retarded Children (PARC) v. Pennsylvania (1971). In this case, PARC brought a class action suit against Pennsylvania for excluding mentally retarded children from its educational programs. The Federal District Court ruled that all mentally retarded children must be given access to a program of education and training. The court further ruled that notice and an opportunity for a hearing must be given prior to a change in educational assignment of a mentally retarded child. Finally, the court ruled that a special master must be appointed to formulate and implement a plan to provide a free public program of education to each mentally retarded child (Bounds, 2000).

There are numerous court cases that have examined whether or not school officials have afforded appropriate due process to students. In Board of Education of

Hudson Central School District v. Rowley (1982), the court considered the question of appropriate education. Amy Rowley was a deaf student who possessed the ability to read lips. In order to communicate with Amy and her parents, the district installed a teletype machine and provided Amy with an FM hearing aid. Local school officials took sign language courses and Amy's IEP included assistance from a speech therapist. The parents requested a full-time sign language interpreter, but the district denied this request. The parents called for a due process hearing and later filed suit in order to force the district to hire an interpreter. The court ruled against this request stating that schools are required to provide an appropriate education and not the best education possible. In the case Thomas v. Atacadero Unified School District (C.D. Cal. 1987), the court ruled on another physically handicapped condition. In this case, the parents of a child infected with AIDS brought legal action to require the district to allow the child to attend regular kindergarten classes. The court ruled that the child was handicapped and that he was otherwise qualified to attend regular kindergarten classes in the absence of evidence that he posed a significant risk to others (Bounds, 2000).

The most publicized case in the area of equal protection for minorities is Larry P. v. Riles (1984). This case catapulted the issue of disproportionate placement of minorities with respect to delivering special education services. In essence, this case cited the disproportionate placement between Blacks and Whites in programs for the mildly retarded. The plaintiffs argued that this placement had a harmful impact on Black children thereby violating the equal protection clause, and requested that the school system shoulder the burden in attempting to prove that the assessment and classification

process was fair and equitable. This case law served as the basis for review until Marshall v. Georgia (1985). Until Marshall, the court used Larry P as prima facie evidence of discrimination. Following Marshall, the court ruled that if effective educational services are provided in the least restrictive appropriate environment to meet students' validly assessed functional needs, then any resulting inequality in minority representation would not constitute inequity. This is in itself a legal conclusion that until recently would not be supported by the preponderance of judicial history. Marshall dealt with the overrepresentation of minorities and resulted in a decision that concluded such overrepresentation was not discriminatory provided certain conditions were not violated.

To determine the circumstances under which children with handicaps may be excluded from school for disciplinary reasons, courts have ruled that a number of important factors must be considered. First, school districts must view a disruptive child with handicaps as a special education problem rather than a disciplinary problem. Second, to the extent possible, a child with handicaps must be retained and placed in the least restrictive environment. Third, if a student is to be suspended for longer than 10 days, the IEP team must convene and determine whether the disciplinary infraction was a manifestation of the student's handicapping condition. Fourth, if the IEP team determines that the disciplinary action is a manifestation of the handicap, the contents of the IEP must be reevaluated. If the infraction is not related to the handicap, the normal disciplinary procedures set forth by the school board shall be imposed on the student. Honig v. Doe (1988) established case law concerning placement of a special education student. On January 20, 1988, the Supreme Court reaffirmed that an educational

placement of a student with handicaps cannot be changed without exhausting due process proceedings as outlined in Public Law 94-142, Individuals with Disabilities Act. The court found that school officials may temporarily suspend a student with handicaps up to 10 days. Under this ruling, disciplinary exclusion for more than 10 days constitutes a change of placement. After the initial 10-day period, the student must return to his or her placement and remain there during any due process hearing or court appeal.

There exists today a multitude of classification systems predicated on varying and diverse definitions of handicapping conditions. To assume that there is a single definition of law terms is naive. Federal definitions are vague and ambiguous and filled with undefined terms. Related to the problem of law definition is the existing structure for funding special education programs. Changing definitions and implementing different classification systems for students will mandate radical changes to the current federal funding structure. In many states and local districts, program funding is categorical, and financial program support is tied specifically to individual student classification. Many related special education services are supported in part through various funding formulas established by state legislators. The bottom line is that funding for existing handicapped systems are based on current student labels (Prasse, 1988).

METHODOLOGY

Participants

The population for this study consisted of both regular education teachers and special education teachers from selected schools in a southern state. A minimum sample of 300 teachers was gathered representing grades kindergarten through 12. The selected schools represented each of the five classifications for public schools as determined by the number of students enrolled at each individual school. Permission to conduct the survey of the selected population was obtained from the Human Subjects Protection Review Committee at The University of Southern Mississippi. The selected schools represented the various types of schools in the selected state and were surveyed following the receipt of written permission from the appropriate school district superintendent of education.

The school districts selected for this study were identified based on school type. A representation of each classification was needed; therefore, schools were selected to represent a class 1A, class 2A, class 3A, class 4A, and class 5A. Additionally, schools were selected to ensure a full representation of K-12 grades. A minimum of two elementary schools, middle schools, junior high schools, and high schools were chosen. A letter was mailed to each school district superintendent explaining the purpose of the survey instrument and requesting written approval to contact each school's principal to coordinate a time and location to conduct the survey. These school districts were selected based on their various size classifications, locations, diversity of school types, demographics, and independence in relation to the other school districts. The participants

for this study varied greatly in their number of years of teaching experience, levels of classification, and knowledge of special education laws. The selection of participants was based on their attendance at work the date of the survey. The researcher surveyed all teachers present, disregarding their gender, race, or type of school affiliation. The survey instrument (questionnaire) was hand delivered by the researcher. Each teacher present at the faculty meeting was given a questionnaire.

Instrument

A questionnaire was adapted with permission from an instrument developed by Hines (2001) for use in this study. The questionnaire was adapted for use as a research survey with adjustment to target regular education teachers and special education teachers. The questionnaire by Hines (2001) investigated the perceptions and level of knowledge of special education law among Mississippi building administrators. The main purpose of this study was to investigate the perceptions and level of knowledge of special education law of regular education and special education teachers.

The survey instrument was a 31-item questionnaire entitled Special Education Survey (Appendix A); however, only 21 of the 31 items were scored. Part I of the instrument contained two questions used to determine the teacher's perceptions of special education law. Part II of the instrument contained 21 questions that measured the teacher's knowledge of special education law. This section of the instrument contained scenarios that had two possible responses for each vignette: compliance or violation. Based on the response by a teacher, an index of teacher knowledge was assessed. This index ranged from 0 to 21. Part III of the instrument contained eight questions which

gathered demographic information. These questions were related to type of teaching position, school type, experience, gender, service as an administrator, and teacher as a parent of a special education child.

Adjustments to the survey instrument (Hines, 2001) were made. The instrument was adapted by rewording questions to reflect alignment with a teacher's perspective of special education law. In addition to improving the message to the participant, terminology was substituted, and demographic information unique to regular education, special education teachers, and teacher/parent was added.

The survey instrument was subdivided into three parts. Part I consisted of questions 1-2 and used a five-point Likert scale. The scale ranged from 1 (*Strongly Agree*) to 5 (*Strongly Disagree*). Part II consisted of 21 questions (3-23). Each question presented a school related situation to the survey participant. The response for each question was either V (Violation) or C (Compliance), based on the perception or knowledge of special education law. Part III consisted of eight questions requesting demographic information about the survey participant. The questions in this section were numbered 24-31. The survey participant used an option of circling a response, filling in a blank (written response), or circling a yes/no option.

Collection of Data

Nine school districts were selected to participate in this study, pending approval of district superintendents. Districts were identified based on their location, size, types of schools, and diversity. The anonymity of each survey participant was guaranteed because participant names were not placed on the instrument or collected by the researcher. The

total number of survey participants by school were compiled, minus the identification of the participant. The names and mailing address of each school district superintendent were gathered from the State Department of Education's School Directory. Each school district superintendent received a cover letter from the researcher, a survey instrument, and a self-addressed stamped envelope (SASE) to return the permission letter. The cover letter explained the need and importance of the study, directions for administering the survey, and a request for permission to coordinate with each school principal to conduct the survey. The survey was professionally printed following review and approval of the researcher's committee.

ANALYSIS OF DATA

Presentation of Descriptive Data

Teachers' knowledge of special education laws, policies, and procedures was measured for seven specific provisions of IDEA using an adapted survey instrument. In Part II of the survey instrument, three knowledge-related scenario statements were prepared for each of the seven provisions. The 21 scenarios were randomly arranged, and there were no indications or directions to identify the IDEA provisions. Three hundred fifty five surveys were administered and all were returned. This was achieved by the researcher visiting each selected school site and administering the survey instrument to those teachers present at the meeting. Each of the 21 scenario questions required the teacher to circle (C) if the decision was in compliance and (V) if the decision violated the child's rights under IDEA regulations.

Table 2 contains demographic data from Part III of the survey instrument for the teachers surveyed. These data show the highest number of teachers surveyed were regular education (303) representing 85.4%. Four types of schools were surveyed with the largest number of teachers (132) being middle school. The number of elementary school teachers (110) and high school teachers (96) were similar with junior high teachers (17) being the fewest. More female (296) teachers were surveyed. Only 4 teachers had served in a school administrative position. Eleven teachers were parents of a special education child.

Table 3 contains the means and standard deviations for the regular education teachers' years of experience and the special education teacher years of experience in this study. These data show that the mean for special education teachers (12.65) was just

Table 2

Frequencies of Demographic Variables

Position in School System	Teachers	Percent
Regular Education	303	85.4
Special Education	52	14.6
Type of School	**Surveyed**	**Percent**
Elementary	110	31.0
Junior High	17	4.8
Middle	132	37.2
High School	96	27.0
Gender		
Male	59	16.6
Female	296	83.4
Administrative Experience		
Yes	4	1.1
No	351	98.9
Parent of Special Education Student		
Yes	11	3.1
No	344	96.9

slightly higher than regular education teachers (12.39). Special education teachers were found to have more experience teaching regular education than regular education teachers working in special education assignments.

In Part I of the survey instrument, each teacher responded to two questions using a 4.0 scale. The scale ranged from *strongly agree*, *agree*, *disagree* to *strongly disagree*. Question 1 measured the teacher's perception of having sufficient knowledge of special education policies and procedures as mandated under IDEA. Question 2 measured the teacher's perception of having received adequate preparation in special education policies and procedures for monitoring special education programs during his or her preservice teacher training. Table 4 contains the data representing teacher perceptions from question 1 and question 2 from Part I of the survey instrument. Most regular education teachers (140) disagree (46.2%) that they had sufficient knowledge of special education policies. This number was slightly higher than the regular education teachers (126) who agree (41.6%) they had sufficient knowledge. Few regular education teachers either strongly agree (15) or strongly disagree (22) that they had sufficient knowledge of special education policies. Special education teachers differ, as expected, in their perception of having sufficient knowledge. Special education teachers (26) strongly agree (50.0%) and agree (23) (44.2%) in their knowledge of special education policy and procedures. Regular education teachers (161) disagree (53.1%) that they received sufficient preparation during preservice training. This number is significantly higher than the second highest number of regular education teachers (91) who agree (30.0%) that they received sufficient preparation. In the evaluation of their having received sufficient

Table 3

Means and Standard Deviations for Years of Experience

	Mean	SD	Min.	Max.
Regular Education Teacher				
Total Teaching Experience	12.39	9.63	1.0	37.0
Regular Education Experience	11.95	9.59	.0	37.0
Special Education Experience	.40	1.71	.0	15.0
Special Education Teacher				
Total Teaching Experience	12.65	8.86	1.0	28.0
Regular Education Experience	3.04	5.89	.0	24.0
Special Education Experience	9.62	8.23	.0	27.0

Table 4

Frequencies of the Variables of Knowledge and Preparation

	Regular Education		Special Education	
	#	%	#	%
Sufficient Knowledge				
Strongly Agree	15	5.0	26	50.0
Agree	126	41.6	23	44.2
Disagree	140	46.2	3	5.8
Strongly Disagree	22	7.3	0	0
Sufficient Preparation				
Strongly Agree	16	5.3	21	40.4
Agree	91	30.0	19	36.5
Disagree	161	53.1	10	19.2
Strongly Disagree	35	11.6	2	3.8

preparation, the majority of special education teachers (21) strongly agree (40.4%) followed closely by teachers (19) who agree (36.5%) that they received sufficient preparation in special education during preservice training.

To determine the level of knowledge of special education law, policies, and procedures, teachers were asked to respond to the 21 scenario statements in Part II of the survey instrument. Each of the seven IDEA provisions were represented by using three scenario statements. After reading each scenario, the teachers indicated (C) if the scenario was in compliance and (V) if the scenario violated the student's rights under IDEA regulations. Each correct answer was given a weighted score of 1.00 and incorrect answered were given .00. The percentage obtaining correct scores are reported in Table 5.

From questions 3 through 23 of Part II, questions 14 and 16 yielded the highest percentage of correct responses from both regular education teachers and special education teachers. The two areas addressed by these questions were individual education plan and appropriate evaluation. Regular education teachers most often missed questions 19 and 13, and special education teachers missed question 10 and 13 in order. Question 19 addressed the provisions of the individual education plan and question 13 dealt with least restrictive environment. Question 10 most often missed by special education teachers addressed the provision of the individual education plan. For question 7, 10, 12, 13, 21, and 22, regular education teachers scored higher than special education teachers. Question 12 and 21 addressed parental participation, 13 and 22 addressed least restrictive environment, 7 addressed procedural safeguards, and 10 dealt with individual education plans. Special education teachers scored significantly higher than regular education

Table 5

Percentage Obtaining Correct Scores on Questions 3-23 by Position

	Regular Education		Special Education	
	#	%	#	%
Question 3	231	76.2	45	86.5
Question 4	228	75.2	44	84.6
Question 5	243	80.2	47	90.4
Question 6	180	59.4	39	75.0
Question 7	172	56.8	28	53.8
Question 8	156	51.5	37	71.2
Question 9	167	55.1	30	57.7
Question 10	86	28.4	9	17.3
Question 11	184	60.7	33	63.5
Question 12	190	62.7	18	34.6
Question 13	84	27.7	11	21.2
Question 14	259	85.5	48	92.3
Question 15	182	60.1	46	88.5
Question 16	244	80.5	48	92.3
Question 17	182	60.1	39	75.0
Question 18	165	54.5	36	69.2
Question 19	60	19.8	15	28.8
Question 20	247	81.5	44	84.6
Question 21	198	65.3	26	50.0
Question 22	134	44.2	22	42.3
Question 23	216	71.3	46	88.5

teachers on question 15 and 8. Question 15 addressed zero tolerance and 8 dealt with parental participation. Regular education teachers scored significantly higher than special education teachers on questions 12 and 21. Both questions 12 and 21 address parental participation.

Tests of Hypotheses

This section addresses the test of the hypotheses of this research study. Each of the seven hypotheses is restated and data are provided to assist in the presentation of these findings.

H1: There is a significant difference in the knowledge of special education policies and procedures (related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans) between special education teachers and regular education teachers.

The means in Table 6 were used to test this hypothesis. These data indicated that Hypothesis 1 was accepted, $F(7, 347) = 4.03)$, $p < .001$). There was a significant statistical difference among the means of the regular education teachers and special education teachers on the seven IDEA component means used as the dependent variables for this hypothesis. The means for related services, $F(1, 353) = 12.91$, $p < .001$, appropriate evaluation, $F(1, 353) = 12.65$, $p < .001$, and zero tolerances, $F(1, 353) = 11.26$, $p = .001$, significantly differed between the regular education teachers and special education teachers. Teachers could score from 0-3 based on the number of questions answered correctly. The highest score for any one IDEA component was 3. The

differences in means that were found to be significant were a result of the special education teachers answering more questions correctly than regular education teachers.

The means for least restrictive environment, $F(1, 353) = .006$, $p = .937$, procedural safeguards, $F(1, 353) = .030$, $p = .863$, parental participation, $F(1, 353) = 3.78$, $p = .053$, and individual education plan, $F(1, 353) = .254$, $p = .615$, were not found to be significantly different. In summary, special education teachers had significantly higher means for the IDEA components of related services, appropriate evaluations, and zero tolerances. No difference was found between least restrictive environment, procedural safeguards, and individual education plans. Regular education teachers had a higher mean for parental participation.

H2: There is a significant difference in the areas of related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans for special education teachers.

The means of Table 6 for special education teachers were used to test this hypothesis. These data indicated that Hypothesis 2 was accepted, $F(1, 46) = 32.68$, $p < .001$. There was a significant statistical difference between the seven IDEA component areas among special education teachers. The means for related services, appropriate evaluation, and zero tolerances were significantly higher than the other scores. The lowest mean (1.38) was for individual education plans.

H3: There is a significant difference in the areas of related services, appropriate evaluations, least restrictive learning environments, zero tolerances,

Table 6

Means and Standard Deviations on Each of the IDEA Components

	Regular Education		Special Education	
IDEA Component	#	%	#	%
Related Services	2.08	.80	2.50	.67
Appropriate Evaluation	1.94	.81	2.37	.69
Least Restrictive Environment	1.47	.78	1.48	.50
Zero Tolerance	2.22	.86	2.63	.60
Procedural Safeguards	1.73	.92	1.75	.90
Parental Participation	1.80	.83	1.56	.73
Individual Education Plan	1.34	.65	1.38	.57

procedural safeguards, parental participation, and individual education plans for regular education teachers.

The means in Table 6 for regular education teachers were used to test this hypothesis. These data indicated that Hypothesis 3 was accepted, $F(6, 297) = 44.55$, $p < .001$. There was a significant statistical difference between the seven IDEA component areas among regular education teachers. The means for related services, zero tolerances, and appropriate evaluation were the highest. The lowest mean (1.34) was for individual education plan.

H4: There is a significant difference in knowledge of special education policies and procedures (related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans) between teachers with 5 years and less of teaching experience and teachers with more than 5 years of teaching experience.

The data in Table 7 were used to test this hypothesis. These data indicated that Hypothesis 4 was rejected, $F(7, 347) = .91$, $p = .498$. There was no statistical difference in knowledge between teachers with 5 years and less experience and teachers with more than 5 years of teaching experience. Teaching experience did not apparently influence teacher knowledge.

H5: There is a significant difference in the areas of related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans among teachers at the different school types.

Table 7

Means and Standard Deviations on IDEA Components by Years of Experience

IDEA Component	0-5 Years Experience n = 122		More than 5 Years n = 233	
	Mean	SD	Mean	SD
Related Services	2.14	.80	2.14	.80
Appropriate Evaluation	1.91	.82	2.06	.79
Least Restrictive Environment	1.43	.78	1.49	.72
Zero Tolerance	2.34	.84	2.25	.84
Procedural Safeguards	1.77	.93	1.71	.92
Parental Participation	1.76	.82	1.76	.82
Individual Education Plan	1.30	.65	1.37	.62

The data in Table 8 were used to test this hypothesis. These data indicated that Hypothesis 5 was rejected, $F(21, 1041) = .96$, $p = .581$. There was no statistical difference between elementary schools, junior high schools, middle schools, and high schools. Teacher knowledge does not differ among the school types.

H6: There is a significant difference in the knowledge of special education policies and procedures (related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans) of teachers who are parents of special education students and teachers who are not parents of special education students.

The data in Table 9 were used to test this hypothesis. These data indicated that Hypothesis 6 was rejected, $F(7, 347) = 1.26$, $p = .272$. There was no statistical difference between teachers who were parents of special education children and teachers who were not parents of a special education child.

H7: There is a significant relationship between teacher perceptions of their level of knowledge of special education policies and procedures and their actual level of knowledge in related services, appropriate evaluations, least restrictive learning environments, zero tolerances, procedural safeguards, parental participation, and individual education plans.

No significant correlations ($p < .001$) were found as shown in the data of Table 10. Teacher perception of knowledge is not apparently related to actual knowledge.

Table 8

Means and Standard Deviations for IDEA Components by School Type

IDEA Component	Elementary n = 110	Junior High n = 17	Middle n = 132	High School n = 96
Related Services				
Mean	2.07	1.94	2.15	2.23
SD	.82	.90	.81	.73
Appropriate Evaluation				
Mean	2.06	1.59	1.98	2.04
SD	.77	.80	.83	.79
Least Restrictive Environment				
Mean	1.36	1.35	1.58	1.48
SD	.69	.49	.79	.75
Zero Tolerance				
Mean	2.30	2.41	2.24	2.29
SD	.89	.62	.87	.78
Procedural Safeguards				
Mean	1.80	1.71	1.74	1.64
SD	.94	.77	.87	1.00
Parental Participation				
Mean	1.77	1.88	1.69	1.82
SD	.80	.86	.87	.77
Individual Education Plans				
Mean	1.31	1.35	1.36	1.36
SD	.62	.70	.64	.63

Table 9

Means and Standard Deviations of IDEA Components by Teachers With or Without SPED Child

IDEA Component	Teacher with SPED Child n = 11	Teacher Without SPED Child n = 344
Related Services		
Mean	2.27	2.13
SD	.65	.80
Appropriate Evaluation		
Mean	1.91	2.01
SD	.94	.80
Least Restrictive Environment		
Mean	1.45	1.47
SD	.52	.75
Zero Tolerance		
Mean	2.64	2.27
SD	.67	.84
Procedural Safeguards		
Mean	2.18	1.72
SD	.75	.92
Parental Participation		
Mean	1.55	1.77
SD	.82	.82
Individual Education Plans		
Mean	1.09	1.35
SD	.30	.64

Table 10

Correlations Between Teacher Percentage of Level of Knowledge and Actual Knowledge of the IDEA Components

IDEA Component	Correlation	Significance
Related Services	-.069	.913
Appropriate Evaluation	-.081	.127
Least Restrictive Environment	.009	.860
Zero Tolerance	-.134	.012
Procedural Safeguards	.034	.528
Parental Participation	.098	.065
Individual Education Plans	-.064	.226

DISCUSSION AND RECOMMENDATIONS

Discussion

The purpose of this study was to measure special education teachers' knowledge and regular education teachers' knowledge of selected components of IDEA. Smith and Colon (1998) highlighted the importance to teacher training to improve teacher understanding and knowledge through staff development and professional development. Principals must support both regular education teachers and special education teachers receiving updated training in special education law, application of policies and procedures, and implementation of local school programs. The results of this research found that 94.2% of the special education teachers surveyed either agreed or strongly agreed that they had sufficient knowledge of special education law. The data did not support their perception. Conversely, most regular education teachers indicated that they did not have sufficient knowledge of special education law. The data validated that regular education teachers need training in special education law, policies, and procedures.

As a result of this research, it was easy to connect teachers to shortcomings in training. The efforts of universities to train leaders for supervision of special education programs must be improved (Arick & Krug, 1993). Nearly 80% of the special education teachers surveyed either agreed or strongly agreed that they had received sufficient preservice training in special education law. This perception was not evident in the data. A significantly higher number of regular education teachers disagreed with the perc eption

that they had received sufficient preservice training in special education law. The research confirmed the perception of regular education teachers.

Maher (1994) stated that administrators have a challenging role to train both regular education and special education teachers. The results of this research found no correlation between what regular education and special education teachers perceived that they know and their actual knowledge of special education law. Teacher perception did not translate into teacher knowledge (Valesky & Hirth, 1992). School leaders must provide all teachers with inservice training in special education law. This research validated the fact that teachers do not possess sufficient knowledge in the application of special education laws, policies, and procedures, regardless of school type.

As expected, special education teachers scored higher than regular education teachers. A finding not expected was the fact that special education teachers scored lowest on questions dealing with individual education plans. Individual education plans are an integral part of the daily routine of special education teachers and were therefore expected to score a high percentage of correct answers. Regular education teachers most often missed the IDEA component questions related to least restrictive environments. This finding was surprising because regular education teachers have special education students placed in their classrooms in support of least restrictive environment needs. Special education teachers scored significantly higher than regular education teachers in the component area of zero tolerances. Not expected was the fact that regular education teachers scored higher in procedural safeguards than special education teachers.

The data revealed that special education teachers did not score consistently in all seven component areas. This shortcoming was also found for regular education teachers. The results of this research found no significant difference between teachers with 5 years and less of teaching experience and teachers with more than 5 years' experience. Experience in special education was not necessarily an indicator of teacher knowledge of special education law. This fact was explained in the continually changing nature of special education law and yearly mandates of both federal and state agencies.

The data revealed that there was no difference in the knowledge of teachers who were parents of a special education child and teachers who were not parents of a special education child. This may be explained by the low number of teachers who were parents of a special education child who participated in this research. The teaching experience of the parent and age of his or her special education child could also be factors.

Three questions in the survey instrument were noted due to low percentage of correct teacher responses. Less than one in five special education teachers correctly answered question 10. This question related to individual education plans for students and was expected to be a strong area for special education teachers. A review of the question did not find a problem with wording or expected intent. Regular education teachers experienced the most difficulty with question 19. Less than one in five teachers answered this question correctly. Question 19, as did question 10 for special education teachers, related to individual education plans for students. A review of this question found no problem with either the working or expected intent of the question. Less than 30% of

regular education and special education teachers correctly answered question 13. This question related to least restrictive environment.

Implications

It is evident from the data presented in this study that both regular education teachers and special education teachers do not possess a thorough level of understanding of special education law necessary to ensure compliance with law, policies, and procedures and to prevent due process litigation. This lack of knowledge restricts a qualified student from receiving needed entitlements and places both the school and school district in a position of costly litigation or a lawsuit. The seven IDEA component areas surveyed in this research were selected based on their applicability to a school environment, common usage by both special education and regular education teachers, and routine usage in a classroom setting. Further, this lack of knowledge places both the teachers and school system in a position to receive unfavorable news media coverage, hurt community relations, reduce parental support, and adversely impact teaching careers.

Correction of these findings includes better preservice training for all teachers. Special education law training must be extended to administrators and should be routinely updated through workshops, conferences, and seminars. Administrators should possess the same knowledge as that expected of teachers. Administrators should ensure teachers receive the opportunity for professional development and special education updates through appropriate staff development training. Teachers must take an active role in their personal training. Increased awareness and training opportunities can be solutions

to this problem. A coordinated effort between administrators and teachers is needed to ensure compliance at the school level.

Recommendations

Based on the findings of this research, the following recommendations are presented:

1. Universities offering teacher certification programs should include special education law courses in the curriculum.

2. The state agency for implementation of special education policies and procedures along with the state superintendent of education should provide training opportunities for both school administrators and teachers.

3. The state superintendent should provide yearly updates and training materials to school districts for use in staff development of teachers.

4. School administrators should conduct annual needs assessments to identify necessary training in special education law.

5. School district special education directors should develop and maintain on file, for use by administrators and teachers, federal and state statutes, policies, procedures, and related updates.

6. Continue to provide funding and training to administrators and teachers through professional development, workshops, conferences, and seminars.

7. Conduct further research to identify teacher knowledge of special education law in order to develop appropriate training requirements.

8. Expand the seven components of IDEA law in future research to better evaluate teacher knowledge of special education law.

9. School administrators should fully integrate regular education teachers into individual education plans, least restrictive environment, and other appropriate meetings to better educate and enhance their understanding of special education policies and procedures.

APPENDIX A

INFORMED CONSENT

SPECIAL EDUCATION SURVEY

A Study of the Perceptions and Knowledge of Special Education Laws of Teachers in Southern Mississippi
The University of Southern Mississippi

22 October 2001

Dear Teacher:

My name is Roy Brookshire and I am a doctoral candidate at The University of Southern Mississippi in Hattiesburg, Mississippi. The focus of my research is the perceptions and knowledge of teachers in special education laws. The purpose of this letter is to request your assistance in gathering these data.

The survey will take only 10 to 15 minutes to complete. Your participation is completely voluntary and may be discontinued at any time without penalty or prejudice to you. Your participation will be anonymous. Once you have completed this survey, please return it to your principal. Completion and return of the survey will be considered permission to use your responses in the study. Completed surveys will only be reviewed and utilized by me and will be destroyed after the study is completed.

Although there will be no direct benefit to you for your participation in this study, your participation may add to the research in special education. Thank you in advance for taking time to assist me with my research project. If you have any questions about this project, please feel free to contact me at work 601-796-2451, 796-7518, or e-mail rbrookshire@mdc.k12.ms.us. It is my hope that this study will be of value to the field of public education. Your assistance in this project is greatly appreciated.

Sincerely,

Roy Brookshire
Doctoral Candidate

This project has been reviewed by the Human Subjects Protection Review Committee which ensures that research projects involving human subjects follow federal regulations. Any question or concerns about rights as a research subject should be directed to the Director of Research and Sponsored Programs, The University of Southern Mississippi, Box 5152, Hattiesburg, MS 39406, 601-266-4119.

SPECIAL EDUCATION SURVEY

Part I - Opinions about special education (Please circle the letter indicating your response.)

1. I believe I have sufficient knowledge of special education policies and procedures as mandated under the Individuals with Disabilities Education Act (IDEA).

Strongly Agree	Agree	Disagree	Strongly Disagree
(A)	(B)	(C)	(D)

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2. I believe I received adequate preparation in special education policies and procedures for monitoring special education programs for exceptional children during my teacher training.

Strongly Agree	Agree	Disagree	Strongly Disagree
(A)	(B)	(C)	(D)

Part II - Please read the statements below. Based on your knowledge of IDEA law and regulations, circle (V) if the decision violated the child's rights under IDEA regulations; circle (C) if the decision was in compliance.

3. At an Individualized Education Plan (IEP) team meeting, it was determined that a child with a physical disability needed physical therapy for one-half hour each school day in order to benefit from the educational program as stated on the IEP. The Special Services Coordinator informed the principal they could only afford to provide services three days a week. (V) (C)

4. A third grade student was tested and identified as Emotionally/Behaviorally Disabled (E/BD). The IEP team agreed to provide resource services for an hour a day, five days a week in order to address both behavior and academic needs. (V) (C)

5. A foster parent enrolls a preschool child with mental retardation in the local school. The administration is alerted that the child could have AIDS. In an effort to protect the teachers and other students, the principal refuses to enroll the child until Social Services informs the school as to the status of whether the child has AIDS or not. (V) (C)

6. A student referred for placement was given an IQ test and scored extremely low. An IEP meeting was called and the student was placed in the special services program. Her parents agreed for placement without further testing. (V) (C)

7. Parents of a third grader requested an evaluation of their child for special education consideration. The staff conferred and determined that the child was doing well in school. The principal denied the parents' request and informed them in writing of the date of the referral, the reasons why the district denied their request, and their right to appeal that decision. (V) (C)

8. Prior to an IEP meeting with parents of a child with traumatic brain injury, the principal held a meeting with only the school-based team and discussed the psychological evaluation and specialized services that the school could provide. (V) (C)

9. A Teacher Support Team (TST) proposed an evaluation to the parents of a child who was failing all classes. The parents refused to sign consent for the evaluation. The school informed the parents that it was requesting a due process hearing in order to test the child without their permission. (V) (C)

10. A student with behavior problems was served in an emotionally/behaviorally disabled (E/BD) class for one period of the day. After one month in the program, the student's inappropriate behaviors began to escalate. At the IEP conference that followed, the parents asked for a more intense and restrictive program. The principal said that such a program was not available. (V) (C)

11. At an IEP conference to present the results of a student's evaluation, the parents of the student disagreed with the recommendation that their child needed special education services. They informed the school district that they wanted an independent evaluation at public expense. The

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school district then initiated a due process hearing because they felt their evaluation was appropriate and they did not wish to pay for an independent evaluation. (V) (C)

12. Parents were invited to participate in the writing of the IEP. Thirty minutes prior to the meeting the parents notified the school they could not get off work to attend the meeting. The school developed the IEP and sent it home for the parents to sign. The parents returned the signed IEP the following day. (V) (C)

13. A student with learning disabilities and reading and written language difficulties was enrolled in the fifth grade. His scores indicated that he was almost three years behind in these areas and the IEP team placed him in the special education program. He would receive ninety minutes of resource each day of the week. (V) (C)

14. After multifaceted evaluations, it was determined that a child who was eligible for special education because of a learning disability needed speech therapy. The speech therapist already had a full caseload. The district contracted with a private speech therapist to provide speech therapy to the student. (V) (C)

15. Parents of a six-year-old child with mental retardation and physical impairments request education services at the local Center for Severe and Profound Students. The child must be fed through a tube that is surgically implanted through the stomach. The principal informs the parents that the school cannot assume the responsibility of the feeding and the child will only be allowed to stay for one-half of the day. However, if the parents assume the responsibility of feeding, the child can stay the full day. (V) (C)

16. A six-year-old boy with little expressive language was suspected of having significant learning disabilities. In order to appropriately identify his needs, the child was tested with a nonverbal test of intelligence. He was also evaluated by the speech pathologist and his achievement was tested by asking him to use a pointing response. (V) (C)

17. Parents of a child with cerebral palsy and physical disabilities request that the school purchase a new motorized wheelchair so the child can move about the school quicker. The school denied the request stating the manual chair is sufficient for maneuvering around school. (V) (C)

18. A middle school completed an evaluation of a child with a disability sixty days after the child had been referred. Two weeks later the school district held an IEP committee meeting to determine an appropriate placement for the child. (V) (C)

19. At an IEP conference, the parents, teachers, and special education teachers agreed on an appropriate placement. The school district said that they could not actually place the student in the new program for three weeks but that they would provide an interim program until then. The parents were given a written notification of the nature of the services, and the program was placed on an interim IEP. (V) (C)

20. A representative from a group home for adolescents arrives at the school to enroll an E/BD student placed in their custody by the local court system. The principal enrolls the child but informs the group home that the child cannot attend school for two weeks due to the overcrowded class and the hiring of a new teacher. (V) (C)

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21. A special education student needed a re-evaluation. The school sent the parents proper notification to inform the parents of their right to object and of the procedures to follow to make such an objection. The parents never responded so the school initiated the re-evaluation. (V) (C)

22. A child with profound mental retardation who is also blind and deaf is currently being served in a Profoundly Mentally Disabled program located outside the school district that her brother is assigned. The parents insist that she receive all special education services in regular classes at the same school as her brother and requested a change of placement. The principal responded by informing the parents that the school could not consider such a placement due to the severity of impairments and maintained the student's current placement. (V) (C)

23. Parents of a student with brain injury requested that the school system purchase an augmentative communication device to assist their child in communicating with others. The device would also be needed to assist with class or homework assignments. The school refused and informed the parents that it is their responsibility to provide the necessary school supplies. (V) (C)

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Part III - Please complete the following information.

24. Circle your current position in the public school system.

Teacher, Regular Education Teacher, Special Education

25. Circle the type of school in which you are currently employed in the public school system.

Elementary School Middle School

Junior High School High School

Alternative School Vocational-Technical School

Other:_____

Please fill in the following information.

26. Years of experience in teaching: _____

27. Gender: _____

28. Years of experience as a regular education teacher: _____

29. Years of experience as a special education teacher: _____

30. Do you have any experience as a school administrator? If yes, please list the number of years of experience.

Yes No Number of years: _____

31. Are you the parent of a special education child? Yes No

APPENDIX B
HUMAN SUBJECTS REVIEW COMMITTEE

THE UNIVERSITY OF SOUTHERN MISSISSIPPI

HUMAN SUBJECTS PROTECTION REVIEW COMMITTEE
NOTICE OF COMMITTEE ACTION

The project has been reviewed by The University of Southern Mississippi Human Subjects Protection Review Committee in accordance with Federal Drug Administration regulations (21 CFR 26,111), Department of Health and Human Services (45 CFR Part 46), and university guidelines to ensure adherence to the following criteria:

- The risks to subjects are minimized.
- The risks to subjects are reasonable in relation to the anticipated benefits.
- The selection of subjects is equitable.
- Informed consent is adequate and appropriately documented.
- Where appropriate, the research plan makes adequate provisions for monitoring the data collected to ensure the safety of the subjects.
- Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of all data.
- Appropriate additional safeguards have been included to protect vulnerable subjects.
- Any unanticipated, serious, or continuing problems encountered regarding risks to subjects must be reported immediately, but not later than 10 days following the event. This should be reported to the IRB Office via the "Adverse Event Report Form".
- If approved, the maximum period of approval is limited to twelve months. Projects that exceed this period must submit an application for renewal or continuation.

PROTOCOL NUMBER: **21102201**
PROJECT TITLE: **Selcted "Teachers" Perceptions of Special Education Laws**
PROPOSED PROJECT DATES: **08/20/01 to 05/10/02**
PROJECT TYPE: **Dissertation or Thesis**
PRINCIPAL INVESTIGATOR(S): **Roy O. Brookshire, Jr.**
COLLEGE/DIVISION: **Education and Psychology**
DEPARTMENT: **Educational Leadership & Research**
FUNDING AGENCY/SPONSOR: **N/A**
HSPRC COMMITTEE ACTION: **Exempt-Approval**
PERIOD OF APPROVAL: **10/22/01 to 10/21/02**

Gregory Eelie, Ph.D.
HSPRC Co-Chair
The University of Southern Mississippi

10-23-01
Date

INSTITUTIONAL REVIEW BOARD
HUMAN SUBJECTS PROTECTION REVIEW COMMITTEE
Box 5147 · Hattiesburg, MS · 39406-5147

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